

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WILLIAM J. SWEENEY
Plaintiff

vs.

LEON KING, et al.
Defendants.

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C.A. No. 08-345 Erie
Magistrate Judge Baxter

MEMORANDUM OPINION

This case should be transferred to the United States District Court for the Eastern District of Pennsylvania.

Plaintiff, presently incarcerated at the SCI-Albion in Albion, Pennsylvania, filed this action *pro se* pursuant to 42 U.S.C. § 1983 on December 10, 2008. Plaintiff has not paid the filing fee or filed a motion seeking leave to proceed in forma pauperis. Named as Defendants in this action are: Leon King, Philadelphia Commissioner of Prisoners; Correctional Officer Lance; Correctional Officer S. Bacone; Lt. William Sweeney; Sergeant Patterson; Captain John Doe; fellow inmate Marcel Crump; Tom Corbett, the Attorney General of the Commonwealth of Pennsylvania; and Lynn Abraham, District Attorney of Philadelphia. Plaintiff claims that Defendants violated his Eighth Amendment rights while he was incarcerated at the Curran-Fromhold Correctional Facility in Philadelphia, Pennsylvania. See Document # 1.

Title 28 U.S.C. § 1404(a) provides that “for the convenience of the parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.”

Title 28 U.S.C. § 1391(b) provides that venue is proper in civil rights actions in (1) a judicial district where any defendant resides, if all defendants reside in the same state, or (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred. In this case, Defendants are not located within this District and the acts complained

of did not occur within this District.

For the convenience of the parties, the Clerk of Courts is directed to transfer this action.

An appropriate order follows.

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Magistrate Judge Baxter

ORDER

AND NOW, this 16th day of December, 2008;

IT IS HEREBY ORDERED that the Clerk of Courts is directed to transfer this case to the United States District Court for the Eastern District of Pennsylvania, FORTHWITH.

S/ Susan Paradise Baxter
SUSAN PARADISE BAXTER
Chief United States Magistrate Judge